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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Vanuatu

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Introduction

1. The Government of the Republic of Vanuatu is pleased to have engaged with the UPR process in both its first and second cycles. In total the Government has had 259 recommendations made to it by Member States. Following our second cycle, the Ministry of Justice as the lead ministry for human rights in Vanuatu worked with Vanuatu's Human Rights Committee to develop and design the UPR National Implementation Plan (2014-2018), the first country in the Pacific to do so[1]. The Plan identified and highlighted the implementation strategy of each of the recommendations. In taking ownership of the UPR process, the recommendations were divided into thematic areas for incorporation into existing national development priorities such as the Vanuatu Government's Priority Action Agenda (PAA) and the Planning Long, Acting Short Strategic Framework (PLAS) as well as various ministry annual and corporate plans as it relates to human rights around poverty reduction, education, social protection, health and with the MDGs and its successor the SGDs among others.

2. Further the Government's National Sustainable Development Plan 2016-2030 or the People's Plan and its monitoring and evaluation framework provide the Government's commitments towards realizing basic human rights in the form of sustainable development goals and priorities.[2]

3. Of the 109 recommendations that Vanuatu received in the second cycle, 95 were accepted and adopted by Vanuatu's Council of Ministers. These recommendations are the subject of this report.

I. Methodology and process for preparing the report

A. Methodology for preparing the report

4. In the process of producing the report, the National Human Rights Committee (NHRC) used the UPR Implementation Matrix to ensure all recommendations were captured under thematic areas which were then sent to all relevant stakeholders to provide the relevant data and information on these thematic areas.

B. Process for preparing the report

5. The NHRC Committee delegated to two Sub-Committees, namely the Data Collection Sub-Committee and the Drafting Committee, to complete this report. The Data Collection Committee was responsible for data, information collection, and the verification of information. The Drafting Committee collated the draft received, compiled comments and finalized the report. Consultations were held on the contents of the report in Santo and Port Vila to get the views of Government's stakeholders and NGOs on the report. A final consultation funded by SPC RRRT with key stakeholders both from Government and civil society took place in Port Vila before this report was finalized and submitted to the UPR Secretariat.

II. Developments since the previous review, background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights, infrastructure including national human rights institution and scope of international obligations identified in the "basis of review" in resolution 5/1

A. National laws and legislations

6. Vanuatu's 1980 Constitution provides the legal framework for governance and the rule of law. Its comprehensive Bill of Rights provisions promotes and protects various fundamental rights and duties of all individuals in Vanuatu. The Constitution also guarantees the enforcement of fundamental rights by providing legal recourse to the Supreme Court in the event of an infringement of a protected right.[3] The Supreme Court may make orders, issue writs and give directions, including the payment of compensation, as it considers appropriate to enforce the right being infringed.

7. Further, there are a variety or legislations that provide for and elaborate the protections of rights including laws on education, health, movement, justice etc. Between the periods of 2014-2018, the Government enacted various laws including the ones below pertinent to the protection of various human rights:

- Right to Information Act No 13 of 2016 gives effect to the right to freedom of expression.
- Public Health (Amendment) Act No. 11 of 2018 providing for sanitation standards.
- Education Act No. 9 of 2014 provides for the representation of women in the national Education Advisory Council and the elimination of educational disadvantages arising from the gender or ethnicity of a child.
- Penal Code (Amendment) Act No. 15 of 2016 increasing sentencing penalties for the offense of abduction and incest with a victim of 16 years and under.
- Custom Land Management Act No. 33 of 2013 which commenced in 2014 enables women to participate in decision making processes in cultural settings (*nakamal*).
- Penal Code (Amendment) Act No 15 of 2016 establishes the offence of abduction of person under 18 years of age.
- Water Resources Management (Amendment) Act No 32 of 2016 provides for responsibilities of water resources, customary rights and rights of occupiers to water resources.
- Water Supply (Amendment) Act No 31 2016 provides for the national drinking water quality standards and drinking water safety plans.

B. National measures and policies

1. Women's rights and equality

8. The Department of Women's Affairs (DWA) has formulated the key gender policies, having given due consideration to the CEDAW and the CRPD. These include the Vanuatu National Gender Equality Policy 2015-2019; National Disability Inclusive Development Policy 2018-2025; Vanuatu Child Online Protection National Strategy Framework for the Republic of Vanuatu 2014 –2021; Vanuatu National Child Protection Policy 2016-2026; Strategy for the Justice and Community Services Sector 2018-2021.

2. Education

9. The Ministry of Education has formulated the following policies with a view to promoting and implementing the Convention on the Rights of the Child (CRC). These policies governs child protection, rights to education and related issues such as the Child Safeguarding Policy 2017; Revised Gender Equity in Education Policy 2018; Sweet Drink Policy 2014; Revised ECCE Policy 2017; Education Authority and School Registration Policy 2017; Information Management in the Education Sector Policy Statement 2014; Interim Vanuatu Education Sector Strategy 2017-2018; Open VEMIS Policy 2017; WASH in Schools – Call to Action 2016; Draft Education and Training Sector Analysis 2019-2030; Post-Secondary and Tertiary Education Policy.

3. Health

10. The Ministry of Health has developed the following key health policies and frameworks to complement right to health under CEDAW, CRC and CRPD. These include; Health Sector Strategy (HSS) 2017-2020; Vanuatu National Nutrition Policy & Strategic Plan 2016-2020; Vanuatu Non-Communicable Disease Policy and Strategic Plan 2016-2020; Tobacco Control Act of 2008 as amended in the Statute Law (Miscellaneous Provisions Act) Act No. 6 of 2016; National Strategic Plan of HIV and STI 2017-2021; National Policy and Strategy for Healthy Islands 2018-2020; Healthy Vanuatu School Food Guidelines/*Gudfala Kakae* Policy 2017-2030; Vanuatu Reproductive, Maternal, New Born, Child and Adolescent Health Policy and Implementation Strategy 2017-2020; Draft Digital Health Strategy Information for Action 2019-2021; A Comprehensive Violence against Women, Children, Vulnerable and Marginalized groups Training Manual for Health Care Professionals and Participants Guide 2017.

4. Corrections

11. Use of Force Policy; Rehabilitation Policy 2017; Medical Policy and Correctional Services (Temporary Removal) Regulation Order No. 197 of 2017.

5. Climate Change

12. The National Policy on Climate Change and Disaster Risk Reduction 2016 – 2030, provides the framework to ensuring that our communities, environment and economy are resilient to the impacts of climate change and disaster risks. The policy ensures that risks are identified, assessed, reduced and managed. It was formulated following a risk governance assessment to analyze Vanuatu's climate change and disaster risk governance capacity and needs at both national and local levels. The policy will apply six principles: 1) accountability, 2) sustainability, 3) equity, 4) community focus, 5) collaboration, and 6) innovation. It aims to be accessible to and implemented by all Government agencies and non-Governmental stakeholders. The policy takes a practical approach, taking into consideration Vanuatu's resources, exposure to risks, and demographic situation. It seeks to strengthen existing capacity at national, provincial and area council levels, drawing on the country's rich heritage, traditional knowledge and the lessons learned from the broad range of initiatives regarding climate change and disaster risk reduction. The Government of Vanuatu is committed to six key priorities to direct the country's climate change and disaster risk reduction efforts which is identified in the *Vanuatu Climate Change and Disaster Risk Reduction Policy 2016-2030*).

13. Further in 2012, Vanuatu established a National Advisory Board on Climate Change and Disaster Risk Reduction. Moreover the Vanuatu 2030, the People's Plan, addresses Climate change policies under the Environment Pillar 2, *Environment encouraging Blue-Green Economic Growth* for an economy which fosters sustainable growth and development through low impact industries and modern technologies to ensure the well-being of future generations. Government a so has a National Displacement Policy 2018.

C. Official authorities and Government organization concerned with human rights

14. The role of protecting and promoting human rights is a whole of Government approach with key ministries and institutions tasked with overseeing the implementation of human rights including State Law Office; Prime Minister's Office; Ministry of Foreign Affairs; Department of Correctional Services; Department of Women's Affairs; Ministry of Education; Department of Public Health; Ministry of Lands & Natural Resources; Ministry of Climate Change, Vanuatu Police Force; Ministry of Justice and Community Service; Judiciary; Public Prosecutors Office; Ministry of Infrastructure and Public Utilities; Ministry of Internal Affairs, Ombudsman's Office.

III. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review", national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms

15. The Vanuatu Government considers the promotion and protection of human rights as an important aspect of its governance. It recognizes the value of the human rights of people in Vanuatu and has designed frameworks, policies and laws that enshrine the protection and promotion of fundamental human rights.

16. The implementation of its international human rights obligations has been carried out by relevant agencies and stakeholders. The enactment of the Right to Information Act in 2017 is its most recent development in the area of realizing fundamental rights, in particular the right to information.

IV. Action taken regarding recommendations arising from the last UPR

Treaty and Optional Protocol Ratification: Recommendations 3–13 and 2 and 5 and 15

17. Vanuatu is a State party to the ICCPR, CEDAW, CRC, CAT, UNCAC and CRPD and notes the recommendations calling for the ratification of ICESCR, ICERD and CPED. While Vanuatu will consider the ratification of the three-core treaty, various rights within the said treaties are protected in Vanuatu's Constitution as well as several legislative frameworks. Vanuatu's Human Rights Committee is mandated to provide advice to the Government on the ratification of core human rights treaties. The challenges of resources and capacities hinder our obligations as a State party to the treaties. Vanuatu's Human Rights Committee is currently prioritizing the drafting of the State's initial reports to CAT and ICCPR.

18. Further, in August 2018, Vanuatu officials completed a human rights workshop with OHCHR Pacific Office and is committed to becoming a signatory to the Convention on Economic, Social and Cultural Rights (ICESCR). The Government through the Ministry of Justice & Community Services and the National Human Right Committee priority deliverance for 2018–2019 is for the completion of the consultation on ICESCR rights and the treaty itself.

19. Additionally, the Government will consider the ratification of the Optional Protocols pursuant to recommendations 2, 5 and 14 following a careful consideration of the same and upon proper advice and guidance by Vanuatu's Human Rights Committee to the Government.

Rome Statute: Recommendation 16

20. The current provision of the Extradition Act complies with the requirements of the Rome Statute in relation to extradition of offenders. The Penal Code Act provides for international jurisdiction over offenders who may be citizens of Vanuatu.

National human rights mechanisms: Recommendations 17–20

21. Through its National Human Rights Committee, the Government is in the process of considering scoping a study on the feasibility and durability of establishing a national human rights mechanism. The Government will liaise with key regional organizations including the Pacific Community (SPC), OHCHR and the MSG for which it is a member for the conduct of a scoping study.

Office of the Ombudsman: Recommendation 21

22. The Government has strengthened the Office of the Ombudsman through funding increase. Further drafting instructions have been prepared for the amendment of the Ombudsman Act. The Government has also made considerable efforts in enforcing the Leadership Code Act (LCA) through greater awareness including talk-back shows on national television and radio as well as presentation to municipal councils on the LCA with the aim of encouraging reporting of breaches of the Act and other maladministrations by public officials and leaders. In 2016, 14 Members of Parliament were imprisoned for corrupt practices under the Penal Code Act. They were also disqualified from assuming any leadership position for ten years under the Leadership Code Act.[4] The investigations into these cases involved the Office of Ombudsman as well as the Police.

Women's rights: Recommendations 22, 32–33

23. The Government met its commitment to the protection of women's rights under the two recommendations and in particular has increased resources, staffing capacity including the appointment of provincial officers and increasing the operational budget to the Department of Women's Affairs (DOWA). In 2018, the Prime Minister opened the newly renovated and improved DOWA office. Further the 2018 Business Plan for the DOWA is operational and is linked to the Ministry of Justice's Sector Strategy 2018-2021 and the overarching NSDP 2016-2030. Within the DOWA and the Ministry of Justice's Sector Strategy, the Government has identified and resourced priority areas to address including reducing domestic and gender-based violence, promoting women's leadership and equal participation; building a foundation for gender mainstreaming; enhancing women's economic development and promoting women's leadership and equal participation.

24. Additionally, the work of advancing women's rights remains a priority for Government and our many achievements include the ongoing implementation of the National Gender Equality Policy (2015-2019) (NGEP); the Annual 16 days of Activism campaign which has been ongoing since 2010 with strategic partnership with key national and international NGOs, UN Women and funding support from Vanuatu Law and Justice Program and World Vision Vanuatu. Furthermore, DOWA in partnership with civil society at large has enabled trainings of island council of chiefs on sexual and gender-based violence among others.

25. In a cabinet decision of 2017, the Government endorsed through the Council of Ministers a Gender Responsive Budget (GRB). It further endorsed that gender and women's empowerment be mainstreamed in each ministry. Further the NGEP identifies reducing domestic and gender-based violence; enhancing women's economic empowerment; promoting women's leadership and equal political participation and building a foundation for gender mainstreaming as its four strategic priorities. Moreover, a National Human Resource Plan now makes the recruitment of women in the public sector a priority.

26. In terms of strengthening women's political participation, the Municipalities Amendment Act No. 5 of 2015 established a quota system for women vying for seats in local government elections which have now seen six women in the Port Vila Municipal Council and five women in the Luganville Municipal Council. In 2016, a female officer was promoted to the position of Inspector. This is the first for Vanuatu and we have had a few senior female police officers who have been deployed as part of the UN peace-keeping. Moreover, there has been a 100% access for female police officers on police operational duties since 2014–2018 and each year since 2014, two police officers attend a gender equality training run in partnership with Fiji Women's Crisis Center. Moreover, the Market for Change initiative was brought about by a joint cooperation between the Government, the Municipal Councils and the UN Women. The main objective for the Market for Change is for the economic empowerment for women who sell food products at our local markets.

Human rights education and awareness: Recommendations 23–25

27. Incorporating human rights in the education system and the curriculum in particular has been an ongoing commitment of the Government and this has gone through various implementation stages such as awareness raising, development of curriculum materials and professional development. The NSDP provides Government's commitment to an 'inclusive, equitable and quality education system with life-long learning for all' as a policy guide. Some of these initiatives include implementing key policies and programs like the Gender Equity in Education Policy; Early Childhood Care and Education program with 803 ECCE centers established in the rural areas and 47 in urban areas; Education in Disaster Risk Reduction Program implemented in four provinces with ongoing training carried out; Inclusive Education Policy awareness and coordination throughout the six provinces of Vanuatu. Training of teachers on specialized teaching methodologies at the Vanuatu Institute of Teachers Education and education support teacher training at APTC in supporting the implementation of inclusive education. Inclusive practices in three case study schools and established model schools are replicated to schools throughout the country through the Vanuatu Education Support Program (VESP). The Government has also taken the initiative to provide for scholarship for persons with disabilities.

28. Further the Ministry of Education has added a new curriculum focusing on ratification of international human rights treaties, gender equity, inclusive education, climate change, disaster risk reduction, water and sanitation, understanding the working of the judiciary, child rights, family life education, health and physical education etc. Further progress in this area include curriculum development and capacity building. Moreover, there is ongoing professional development of staff at the central and provincial levels on gender and child protection. Within the Ministry of Education and provincial education offices, staff are informed of their roles and responsibilities in responding to human rights issues in education. The Government through the Ministry of Education has improved learning access in partnership with the churches.

Human rights mainstreaming/training for Government to officials: Recommendations 26–28; 62

29. The Government continues to invest in human rights and anti-corruption training for its officials including partnerships with UNOHCHR, SPC RRRT, UN-PRAC and the MSG. Training for police and correction officers, teachers, right to information officers and health workers on human rights have also been carried out including attendance of lawyers, judges, magistrates, statisticians, gender focal persons, MPs in various human rights training and thematic areas including human rights treaties; human rights reporting; UPR; implementation of treaties etc. In 2018, the Ministry of Justice coordinated training for key Government officials for the purposes of putting together a national action plan on human rights. The Government envisages further training on human rights for its officials through its partnerships with key international and regional institutions. Further, the Government is committed to mainstreaming principles of human rights, including equality; justice; fairness and dignity within policies and frameworks.

30. Furthermore, the Ministry of Health (MOH) has endorsed a Gender Based Violence Training Guidelines and Comprehensive Participants Guidebook for Health Workers. In partnership with Vanuatu Women's Center, the MOH is carrying out training for health workers in Vanuatu. Moreover, the MOH has established a gender-desk officer within the ministry. Additionally, the Police training program also includes sexual and gender-based violence and key issues around victims and suspects rights. Trainings on CAT and the UN minimum standards on places of detention have been provided by OHCHR, SPC RRRT and the ICRC.

UPR and parliament: Recommendation 29

31. The Government recognizes the important role of parliament in the UPR process and has facilitated a number of activities in line with this recommendation. Further the Ministry of Justice published the Government's UPR Recommendation Action Plan in 2014 with the support from OHCHR. Further, Members of Parliament including the Speaker are part of regional discussions and consultations on the UPR and the implementation of recommendations.

Reporting of human rights treaties – Recommendation 30

32. Following a report writing and capacity building training by OHCHR, the National Human Rights Committee (NHRC), is in the process of drafting and finalizing its initial report to the ICCPR and CAT.

Discrimination against women: Recommendations 34–36

33. Article 5 of the Constitution prohibits discrimination on the grounds of sex. This prohibition is practiced throughout the civil service and the Government continues its efforts in eliminating discrimination against women both de jure and de facto. These active and progressive steps include ensuring that equality and women's empowerment is reflected in the National Development Plan. Its vision highlights "A Just, Educated, Healthy and Wealthy Vanuatu". The Government's foremost national policy will drive our development priorities till 2030. Further the Council of Minister approved the implementation of the National Gender Equality Policy (NGEP) 2015-2019. The NGEP ensures that gender equality is implemented across all sectors and at all level of society.

34. Moreover, the amendment made to the Citizenship Act [CAP 112] by the Citizenship (Amendment) Act No. 39 of 2013, now recognizes gender equality in the citizenship eligibility. Additionally, amendments to the Penal Code (Amendment) Act No 15 of 2016 has resulted in the increase of penalties for all sexual offences. This was the result of a consultation of multi-stakeholders, including the Public Prosecutor's office, Family Protection Unit of the Vanuatu Police Force, the Vanuatu Women's Centre and the Vanuatu Correctional Services Department. The decision was taken as a result of judicial recommendations in the case of the *Public Prosecutor v AR [2015] VISC 31* which noted the low sentencing options for sexual offences.

Death penalty: Recommendation 37

35. The Government has not taken any other action on the re-introduction of the death penalty and does not intent to visit this issue.

Family Protection Act: Recommendations 38–42

36. The Government continue its efforts in addressing violence against women in both the Family Protection Act (FPA) and the Penal Code Act. To strengthen the implementation of the FPA in 2017, the Government has appointed registered counsellors and authorized

persons. Further, ongoing awareness on sexual and gender-based violence continue through various initiatives such as the 16 Days of Activism as well as the development of comprehensive guidelines for responding to violence against women, children and marginalized groups in Vanuatu. Training of trainers and training for health-care service providers in the provinces on gender-based violence also continue.

37. The Department of Women Affairs conducts its annual awareness campaign on the Family Protection Act during the 16 Days of Activism. Activities include visits to communities for awareness on the Act as well as to conduct training for APs and RCs. In 2017, 1000 posters were printed, 19,000 stickers and 400 shirts were distributed throughout the campaign raising awareness and visibility on combating harmful cultural practices. Further training on handling of cases of domestic violence and human rights for police officers are also conducted. More than fifty percent of police officers have attended human rights training in Port Vila and Santo. These training by OHCHR and SPC RRRT includes training for magistrates.

38. Further Vanuatu's courts continue to issue protection orders and penalties under the FPA. In ***Bong v Marangom*** [2017] VUSC 190, the Supreme Court of Vanuatu held that, *the Family Protection Act 2008 came into effect on 2 March 2009 and has as its purpose the preservation and promotion of harmonious family relationships and the prevention of domestic violence in all levels of society in Vanuatu. The Act is based on traditional values of Vanuatu and on Christian principles which recognizes that domestic violence of any kind is unacceptable behavior. The Act also provides effective legal protection for the victims of domestic violence and punishment for all persons who commits such acts."*

39. The Family Protection Act provides protective measures and a legal framework for all women including those in the rural areas. In partnership with women NGOs, women in rural areas have access to the Vanuatu Women Centre CAVAW's around Vanuatu. There are also Authorised Persons (AP's) and Registered Councilors (RC's) appointed in rural areas to provide support and access to protection from domestic violence. Women with disabilities also have access to protection orders, counseling services, education and awareness and access to the referral system.

Violence against Women (VAW)/SGBV/Inequality: Recommendations 49–53; 61

40. The Government continues to address inequality and has adopted various measures as described in paragraphs 22–25; 32–33 and 36 respectively.

41. In 2017, the Government amended the Penal Code Act following a 2016 Council of Ministers decision to increase penalties for sex related and assault offences. The Penal Code (Amendment) Act No. 15 of 2016 increases the sentencing for the crime of abduction and incest with the victim of 16 years and under among others. Further for abduction, an increase to seven (7) years and increased penalty for crime of incest from 15 years to life-imprisonment.

Violence against Children (VAC): Recommendations 54–55

42. Addressing VAC remains a priority commitment of the Government through the adoption of the National Child Protection Policy 2016-2026.[5] The policy was developed following comprehensive stakeholder consultations across Government ministries and departments, civil society and INGOs including women's groups, the Malvatumauri Council of Chiefs, the Cultural Centre, national child protection working group and provincial administrations. Fight strategic areas to be implemented in the policy include; strengthening knowledge and understanding of child protection in the general population; development and/or strengthening of organisation structures at national, provincial and community levels that are required to provide oversight and ensure accountability for the overall implementation of this policy; coordinated, collaborative, holistic and multi-disciplinary interventions by formal and non-formal (*Kastom*, religious, community-based) bodies, to ensure a continuum of care for vulnerable children; development/strengthening

of Government standards and guidelines for child protection/working with children; strengthening of the legal framework for child protection; strengthening capacity of Government stakeholders and service providers involved in the protection of children and disaster risk reduction/preparedness and emergency responses that are sensitive to the very high risk of abuse, exploitation, and injury faced by children during disaster.

43. Further the Child Protection Desk and a National Child Protection Working Group support the Government's commitment in addressing child protection issues. The Ministry of Justice in partnership with UNICEF is currently developing two draft pieces of legislations, the Child Protection Bill and the Adoption Bill. The Adoption Bill is aligned to the Hague Convention on Inter- Country Adoption which Vanuatu intends to sign upon the passing of this Bill.

44. Additionally, Vanuatu's courts continue to issue harsh sentences as a deterrent for violent acts against children. In Public Prosecutor v Jerry [2011] VUSC 51, the Chief Justice in issuing a sentence said that "*sexual offences against children are serious offences and any offender who sexually abuse children must go to prison. A prison sentence is necessary for many reasons. First is to mark the gravity of the offence. Second is to emphasize that the public disapprove of such kind of offending in the society. Third is to save as warning to other members of the community who will attempt to commit same offending on children in the future. Fourth is to punish the Defendant for such a serious offending. Fifth is to protect weak and vulnerable members of the community and in particular children. [PP v. Scott & Tula (2002) VUCA 29]. In PP v. Gideon[2002] VUCA 2. the Court places emphasis on the protection of the children in this way.*"

45. A Criminal and Civil Evidence Bill is currently being developed by a committee appointed by the Chief Justice to ensure that the rights of children in criminal proceedings are protected. Further it gives the Public Prosecutor a range of legal options for applications that can be made by the Prosecutors.

Judiciary: Recommendations 56–57; 60

46. The Government has strengthened its commitment to ensuring the independence of the judiciary by increasing resources to the courts as well as working with the Ministry of Justice to address issues and challenges. The Judiciary has also taken responsive measures to address crucial issues such as increasing the number of judges and magistrates at the courts. Further it has implemented an automated case management system that tracks the life of cases from registration to completion. The courts have developed indicators to capture data for the purposes of addressing challenges. These include good data control system, cases process and record updating, scheduling system and management reporting system. 99% of appeal cases filed are disposed of at each session of appeal. Further the Judiciary has secured budget to address land backlog cases in 2019.

47. Furthermore, in reference to recommendation 60, the principle of equality is entrenched in Vanuatu's Constitution and various legal frameworks and is implemented both in de-jure and de-facto. Additionally, there has been both an increase in the budget and resources (capital and human) for the Office of the Public Solicitor and the Public Prosecutor.

Convention against torture: Recommendation 59

48. While torture is prohibited in Vanuatu under the Constitution and almost no cases of torture recorded from the police or corrections office, the Government will consider revisiting its laws to ensure that legislations are adequate to criminalise torture. However, there have been several trainings for both the police and the corrections department on CAT. Further the Corrections Department has developed a Use of Force Policy that is in alignment with human rights standards and reviewed its operational manuals and Standard Operational Procedures (SOP) to comply with the United Nations Minimum Standards on places of detention.

Rights of detainees: Recommendations 63

49. The Ministry of Justice and Community Service have completed a major reform on the comprehensive amendment to the Corrections Act. The amendment was to address the gaps and allow for consistency and alignment of the Act to the CAT and the CRPD. These amendments strengthen the administrative functions of the Corrections Department and provide certainty to the rights of detainees. Further the amendment includes clarifying the rights and privileges of detainees including the removal of discriminatory provisions as it relates to persons with disabilities. Moreover in 2018, Vanuatu received two external inspection teams from OHCHR and ICRC to complete inspections of the Correctional Centers and interview detainees both in Vila and Santo. A space has been reserved at the new correctional center in Santo to build a juvenile facility.

Juvenile justice: Recommendations 64–69

50. While there is currently no juvenile legislation, the Courts have taken into consideration juvenile justice in requiring pre-sentence reports from the Probation Unit of the Corrections Department. This report guides the court or the judge in sentencing decisions. The Courts exercise judicial discretion to impose a sentence involving minors and these may include (i) community-based sentences under supervision for six months minimum to two years maximum, (ii) suspended sentence and impose supervision as well. These community-based sentences in lieu of imprisonment, are imposed to rehabilitate the juvenile offender. Victim support is one of the Ministry of Justice & Community Services initiatives that will involve the appointment of a Victim Support Officer who will oversee the support to be afforded to victims of crime.

51. A draft Juvenile Bill is currently before the Vanuatu Law Commission (VLC). Once enacted, a plan to work on specific juvenile programs and other guidelines to address juvenile offenders would be implemented. The Corrections Department will develop a juvenile rehabilitation awareness module for probation officers to use when dealing with juvenile offenders serving community sentence in 2019.

UNCAC: Recommendations 70–71

52. Government's National Anti-Corruption Strategy of Vanuatu is grounded in the *Vanuatu 2030: The People's Plan* and the SDG providing the framework for Government's commitment to eliminate corruption. The National Integrity and Anti-Corruption Strategy aims to strengthen the foundation of Vanuatu society, increase the efficiency and effectiveness of the public sector, build trust in public institutions, and help pave the way for sustainable economic development and equal opportunity for all people of Vanuatu.

53. The first review of Vanuatu's implementation of UNCAC was undertaken in 2014 (specifically in relation to articles 15 – 42 of Chapter 3, "Criminalization and law enforcement", and articles 44 – 50 of Chapter 4, "International cooperation"). Following this review, in September 2014, the Government in collaboration with UNODC and the UNDP under the UN Pacific Regional Anti-Corruption Project, held a workshop to publicize the findings of the UNCAC review process and consider how these findings can be incorporated into national anti-corruption efforts. Five priority action areas were identified, these include the establishment of a national committee or taskforce, comprising Government, civil society and private sector representatives to provide the driving force and oversight needed to ensure ongoing progress is made in a coordinated and consistent manner.

54. Vanuatu established its National Integrity and Anti-Corruption Committee "NIAC" under Anti – Corruption Order Dated 5 November 2016 with the core function in ensuring the implementation of priority objectives identified under UNCAC commitment. The Committee is mandated to take up the leading role of Government in advocating for changes and establishment of linkage to supporting agencies, NGOs in addressing corruption in Vanuatu. The NIAC comprises of representatives from across Government

sector, civil society and the private sector to allow for a broad range of stakeholders to provide input to and oversight in the implementation of this National Integrity & Anti-corruption strategy 2018-2022.

Birth registration: Recommendation 72–73

55. Vanuatu commenced its review of the Civil Registry Act in August 2018 and the amendment will be tabled to parliament for its consideration. Further the Civil Registry has re-introduced mobile registration of births across Vanuatu. The registration process is through the Register VIZ database system which is uploaded to laptops to accommodate mobile registration. Staff have been trained on the use of this system which has been very effective in capturing information on vital registration with the support of UNICEF Vanuatu.

56. Further, the Government has endorsed the Civil Registry and Vital Statistic Policy 2017 and National Identification Policy under the Civil Registry Department, which will provide the pathway for the development of a National Identification Bill in 2019.

57. An MOU was signed between the Ministry of Internal Affairs and Ministry of Education for the installation of Register VIZ database system in all provincial Education Offices as well as training conducted which has helped to increase registration coverage for those children who were not registered at births. There has also been an increase in children having a birth certificate following the increase in registration.

Right to information: Recommendation 74–75

58. The Right to Information Act No. 13 of 2016 is now in force following the unanimous passage of the law by the Parliament on November 24, 2016. The Act gives effect to the right to freedom of expression under paragraph 5(1)(g) of the Constitution of the Republic of Vanuatu; and provides access to information held by Government agencies, relevant private entities and private entities, subject to exceptions provided under the Act. It also establishes voluntary and mandatory mechanisms to give the public the right to access to information; and promotes transparency, accountability, and national development by empowering and educating the public to understand and act upon their rights to information; and to increase public participation in governance. The Act also sets out procedures for a person to amend personal information held by a Government agency. The Act also contains a provision on the protection of whistleblowers and sets out various offenses and punishments for breaching the Act's provisions. In addition to provisions of the Act, certain mechanisms have been established to enable successful coordination and management of implementation of the Act. These are the appointment of the RTI Steering Committee, National Records and Information Management Committee, the National RTI Implementation Plan, and the National Records Management Policy.

Water and sanitation: Recommendations 76–78

59. The Government has implemented various comprehensive clean water and sanitation projects with the Ministry of Health taking a lead role in overseeing these projects. Some strategies developed and implemented include the development of WASH materials; the drafting of a Sanitation and Hygiene Policy; strengthening of the National Health Promoting School Steering Committee; review of Primary Health Care and Healthy Islands Policy with a focus on following healthy settings including healthy school: healthy clinic: healthy market and healthy village. Further the Government has disseminated the Healthy Islands Information Education Communication (IEC) package to the six provincial education offices in Vanuatu, conducted a health promotion in schools and workshops for school principals. Moreover, there are ongoing oral health school programs with regular supply of oral health kit (toothbrush, paste and soap) and de-worming and yaws programs in schools. A total of 453 Primary Schools have regularly received the oral health kits which amount to 52,856 distributed for the period 2017–2018.

60. Additionally, the Government has adopted a National Drinking Water Quality Standard; developed a draft Vanuatu National Multi-Sector WASH in School's Improvement Plan with UNICEF and WASH partners, and a Sanitation and Hygiene Policy, introduced H25 testing in Malemaat, Mele and Lelepa villages with Live and Learn (NGO) water and sanitation projects, improvement of sanitation in schools in the Penama and Sanma provinces, and the building of incinerators in hospitals in Vanuatu for safe disposal of clinical waste.

61. Moreover, the Government amended the sanitation provision of the Public Health Act (Part 8 – Sanitation) in July 2018 to address and strengthen its sanitation projects around the country.

Right to health: Recommendations 79–84

62. Access to basic health services especially in the rural areas remain a key priority of the Government. The Ministry of Health (MOH) has invested in training of medical and nursing personnel on a range of health and human rights issues. Further the MOH has endorsed key policies and framework to regulate the health sector and health services in Vanuatu as mentioned in paragraph 10 of this report. Government has also increased budgetary allocations to the MOH.

63. Additionally, in addressing HIV/AIDS and its impact on women and children and mother-child transmission, the Government has developed and endorsed the HIV/STI National Strategic Plan 2017-2021. Moreover, the MOH is in the process of finalizing the Delineation Policy which seeks to address facility and human resources capacities. With the support of Global Fund grants, the Ministry of Health has been able to implement national TB and Malaria programs.

Right to education: Recommendations 86–98

64. Vanuatu's National Sector Development Plan mandates that every child, regardless of gender, location, education needs, or circumstances must be able to access the education system. Government has expanded its outreach to ensure access to education through its school grant.

65. The Universal Primary Education Policy (UPE) provides for free education and the right to access education for Classes 1–6. Moreover, to address the issue of illiteracy, the Ministry of Education developed a language policy and revised its curriculum to include vernacular as a language of instruction for early grade. Further, in November 2017, the Global Partnership for Education Secretariat approved a grant for Vanuatu to conduct a comprehensive education sector analysis and develop an evidence-based Education and Training Sector Strategy. The education sector plan development grant aims to strengthen the knowledge required for the development of more equitable and efficient education sector plan and to build capacity for staff in the Ministry of Education and Training. The analysis will also guide the development of a new Vanuatu Education and Training Sector Strategy (VETSS) for 2019-30.

66. In alignment to its sanitation project, all primary schools throughout the country has at least one school health visit conducted by the maternal child health team or the health zone nurse.

Rights of persons with disabilities: Recommendations 99–104

67. Vanuatu's National Disability Inclusive Development Policy (NDIDP) 2018-2025[6] compliments the Government's commitment to the CRPD and was developed following stakeholder consultations both at the national and provincial level between September 2015 and December 2017. The NDIDP provides Government's strategic interventions towards realizing the rights of persons with disabilities. The adoption of the Washington Group questions within Vanuatu's census and related surveys found that 12 per cent of the

population reported having a disability. Furthermore, other key policies to realize and protect persons with disabilities include the Inclusive Education Policy and Strategic Plan 2010-2020 mandating inclusive education from pre-school all the way to secondary education. The National Disability Inclusion Policy for TVET Sector 2016-2020 promotes disability inclusion within post-school education and training options. Further the Vanuatu Mental Health Policy and Strategic Plan specifies actions to improve mental health services and progress the rights of people with mental illness across Vanuatu.

68. Further the Government's 2030 National Sustainable Development Plan (NSDP) outlines a number of commitments and priorities that the Government will take concerning the rights of persons with disabilities which includes the fair distribution of facilities that are suitably resourced and equipped; the empowerment and support for persons with disabilities; ensuring that all persons with disabilities have access to Government services, buildings, and public spaces; ensuring that all public infrastructure, including health, education and sports facilities is safe, accessible, secure and maintained in compliance with building standards; and increasing the number of decent, productive employment opportunities, particularly for persons with disabilities.

69. The *National Disability Inclusive Development Policy (NDIDP) 2018-2025* also build on past efforts to provide a guideline for action for national and provincial Government and non-Government stakeholders across Vanuatu, as well as our development partners. Collaboration is central to this policy. Working together with the National Disability Committee, key stakeholders will share and coordinate efforts in working together towards the goals outlined in the NSDP. Numerous achievements have been made under the NDIDP including the establishment of a disability desk within the Ministry of Justice as the Government's disability focal and coordination point, the development of the Inclusive Education Policy and Strategic Plan 2010-2020 and the National Disability Inclusion Policy for the Technical and Vocational Education and Training (TVET) Sector 2016 – 2020. Vanuatu's NSDP formalises a national commitment to disability inclusion and rights through multiple disability inclusive objectives and indicators. Further through equitable partnership by the Government with civil society across Vanuatu, there are increasing active support for disability inclusive development. The Vanuatu Civil Society Disability Network (VCSDN) regularly convenes disability-focused and mainstream civil society organisations across Vanuatu to review and progress advocacy and implementation towards strengthened disability inclusion across key priority areas.

70. Vanuatu acknowledges the continued partnership of the Australian Government which has provided considerable resources for disability inclusion in the Pacific since 2009, both bilaterally and through multilateral bodies, under the auspices of Development for All 2015-2020: Strategy for strengthening disability-inclusive development in Australia's aid program. In Vanuatu, Australia has strongly supported disability inclusion across several of its programs, including the *Stretem Rod blong Jastis mo Sefti* and Vanuatu Education Support Programs, as well as the Vanuatu Skills Partnership, to which a Disability Inclusive Development Fund grant was provided in 2016 to support the implementation of the National Disability Inclusion Policy for the TVET Sector 2016–2020. The Government of Australia has also supported the activities and operations of VDPA and VSPD and the National Web Accessibility Guideline.

71. Following a legislative compliance by the Pacific Islands Forum and the Vanuatu Government 301 laws were reviewed against the provision of the CRPD in 2016. 101 law was sighted as requiring amendment so to bring it in alignment to the CRPD. A Right of Person with Disability Bill is a priority under the Policy Implementation Plan where the Ministry of Justice through the Disability desk will be conducting public consultation soon.

Right to development: Recommendation 105

72. In line with its national development priorities and commitment under the NSDP, the Government has worked towards equitable development across the country to ensure better access and people development. The Decentralization Act and the implementation of a Decentralization Policy 2017-2027 brings the government closer to the people by

providing citizens with greater control over decision-making process and allowing their direct participation in public service delivery. The Policy's core objectives include devolving decision-making authority, functions and resources in order to improve efficiency and effectiveness in the delivery of services, design and implement mechanisms to ensure a "bottom up" flow of integrated development planning and budgeting from the Area Councils (ACs) to the National Government; enhance political and administrative authority in order to effectively and efficiently deliver services to the lowest level.

73. Key development across Vanuatu include the Government of Vanuatu in partnership with the Australian Government and the Asian Development Bank (ADB) to fund the Port Vila Urban Development Project (PVUDP), one of the major investments in the nation's capital. The PVUDP will contribute to sustainable urban development in Port Vila through improved road, drainage, sanitation, infrastructure and services. Further the Government has also completed an international multi-purpose wharf and container yard and facilities to mitigate high berth occupancy at the existing international wharf. The project will introduce efficient management and improvement of international cargo distribution to contribute to the socioeconomic development.

74. Moreover, the Cyclone Pam Road Reconstruction Project (CPRRP, the Project) aims to accelerate economic and social recovery in affected provinces as defined by the project. The development objective is to restore socioeconomic activities of people around the Efate Ring Road to pre-cyclone levels by repairing about twenty damaged sites. All works have been designed and implemented using the "Build Back Better" (BBB) concept and strengthen the climate and disaster resilience of roads and bridges. The Community Consultation Plan (CCP) describes the purpose, method and outputs of the Project implemented by the Public Works Department (PWD) of the Ministry of Public Infrastructure and Utilities (MIPU) and the stages and processes for communication. The purpose of the CCP is to guide what types of information need to be provided to and obtained from stakeholders, when and how such information is communicated, and how the information is to feed into the different project stages and aspects including feasibility study, detailed design, construction, and operations. Importantly, the CCP is based on local custom and tradition to ensure it facilitates meaningful consultation.

75. Moreover, the Vanuatu Tourism Infrastructure Project (VTIP) is funded by the Government of New Zealand in partnership with the Vanuatu Government through the Enhanced Integrated Framework (EIF). The goal of the project is to contribute to a buoyant, resilient tourism sector that provides greater economic returns. The VTIP is part of a broader portfolio of tourism activities supported by New Zealand and aimed at implementing the Vanuatu Strategic Tourism Action Plan 2014-2018 (VSTAP).

76. The Government under its ratification of the universal access policy ensures that in all its new infrastructure project development, access to disability is considered in its projects design and implementation. The Government has ensured that access for persons with disabilities to infrastructure project development is mandatory. These include the international airport terminal upgrade projects, ports terminal and facilities, Government offices, public buildings, roads and city development projects such as the Port Vila Urban Development projects (PVUDP) and Port Vila sea wall development where the construction of footpath and access ramp are built to comply with the Accessibility policy.

Technical support for human rights: Recommendation 106

77. Vanuatu continues to receive technical and develop support through its bilateral and multilateral relationships. It also accesses technical support around human rights training through regional organizations including UN agencies, SPC, PIFS, MSG and others. Vanuatu enjoys bilateral support with Australia, New Zealand, the European Union and China. We also access multilateral support for our development aspirations as outlined in our NSDP.

Climate Change: Recommendations 107–109

78. In 2016, the Government commissioned the new Ministry of Climate Change. The National Disaster Management Office (NDMO) Act is being reviewed through extensive consultation at the provincial and national level. Other key frameworks include the Climate Change and Disaster Induced Displacement Policy and the Strategic Plan 2016-2020 which is currently being implemented.

79. Further the NDMO Act has a Standard Operating Procedure (SOP) in place outlining civil and military intervention during major emergencies with extensive procedures around awareness through the media and public notices to increase public safety and reduce vulnerabilities. Moreover, the NDMO and Vanuatu Meteorological and Geo-hazards Department (VMGD) has been actively engaged in early warning system and multiple risk mapping through the following products, automatic weather system; sirens for tsunami warnings and the establishment of weather websites and climate. In 2018, the Government put a ban on the use of plastics and plastic straws in its effort to address pollution. This is in line with Vanuatu's Ocean Policy affecting marine life and our coastal waters and our national commitment to SDG 14.

80. The Correctional Services Department has an Emergency Standard Procedure and Business Continuity Plan to relocate detainees when there is a disaster.

V. Achievements, best practices, challenges and constraints

Achievements

81. The Government of Vanuatu recognizes the progress that has been made in relation to meeting its human rights commitments and obligations. Achievements include:

- Completion and submission of the initial and combined periodic CRPD Report;
- Completion of the 2nd and 3rd CRC Report and constructive dialogue with the CRC Committee in Suva, 2017;
- Completion of the 4th and 5th Report on CEDAW and reported to the Committee in 2016;
- Establishment of a Gender Officer in the DOWA and Ministry of Health;
- Endorsement of the National Child Protection Policy 2016-2026; Child Safeguarding Policy 2017-2020;
- Establishment of an External Inspection Team to inspect and report on the conditions of and treatment in prison;
- Establishment of the Ministry of Climate Change and a Gender and Protection Cluster which ensures the inclusion of gender and protection issues in natural disasters;
- Completion of reproductive health awareness on Tafea and Malampa provinces with the assistance from UNFPA and FNU, 2013 – 2017 cycle;
- Establishment of a Right to Information Unit;
- National Disability Inclusive Development Policy 2018-2025.

Best practice

82. Vanuatu is proud to be the first Pacific State to develop a National Implementation Plan for the UPR recommendations. This plan informed the Government's commitment to implementing key recommendations accepted at the second cycle. Further Vanuatu is one of the few countries to establish a National Human Rights Committee by Regulation (Order 105 of 2014) under the Government Act (No.5 of 1998).

Constraints and challenges

83. The Government has made considerable progress and achieved significant milestones in the protection and promotion of human rights that takes into consideration Vanuatu's culture and Christian faith. However, the Government continues to face numerous challenges to implementing various human rights commitments including understanding the content of the human rights treaties. Some of these challenges include limited resources both financial and human resources. With a very small public sector, the Government is the biggest employer.

84. Further the impact of climate change and hostile natural calamities continues to impede national development and progress. In 2018, Vanuatu completed the wholescale evacuation of the inhabitants of Ambae, one of the main islands of Vanuatu, due to serious volcanic activities. The relocation of the people of Ambae has not been without its challenges which remain a priority issue for the Government. Moreover, the devastating impact of Cyclone Pam in 2015 resulted in widescale destruction of property and the loss of human life. Government has ensured as part of its priorities the rehabilitation work to ensure basic access to facilities and services for the people affected most by this cyclone.

VI. Key national priorities and initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations in the State

85. The Vanuatu NSDP provides the strategy for addressing challenges and constraints to improve human rights situation in the country. Under the heading of "Society 4, Social Inclusion", the Plan provides for an inclusive society which upholds human dignity and where the rights of all Ni-Vanuatu including women, youth, the elderly and vulnerable groups are supported, protected and promoted in our legislation and institutions. Various other policies and frameworks discussed in this report by Government Ministries and Department are written in alignment to the NSDP. As a priority framework for Government, the national budget is mirrored to implementing the priorities identified in the Plan. Further development assistances sought are also towards realizing the NSDP.

VII. Expectations of the state concerned in terms of capacity building and request if any, for technical and support received

86. The Government of Vanuatu recognizes the importance of building a strong capable workforce and therefore is committed to ensuring capacity building and training across Ministries and departments. In this regard, the Government seeks further technical training support and resources from technical agencies, funding institutions, regional and international organizations and development partners. Further training on human rights and thematic issues need to be held with all relevant stakeholders particularly police, corrections, teachers, health workers etc.

87. Further the Government recognizes the need to raise awareness on a range of issues particularly climate change and its intersectionality with human rights. The Government continues to deal with challenges of climate change include severity of weather disturbances and rising sea level and therefore requests for continued assistance both financial and capacity building to assist the Government in meeting these challenges.

VIII. Voluntary commitments

88. The Government commits to scoping a feasibility study in the establishment of a national human rights institution. This will then inform the Government of its next steps.

89. The National Human Rights Committe is considering providing an advice to the Government on the ratification of other core h man rights treaties and Optional Protocols. This is in line with the Committee's mandate.

IX. Conclusion

90. The Government of Vanuatu recognize the added value of the Universal Periodic Review process in highlighting key challenge and measures to address these challenges. While the challenges are many, the Governr ent will continue within its resources and capacity to try and implement them. The NSDP provides the framework for the Government to advance its development pri rities and seeks collaborative partnerships particularly with its development partners to nsure that their programs are aligned to the national vision, goals and policy objectives i the Plan. Such partnerships will strengthen the Government's commitment to better pr ecting and promoting human rights of its people.

Notes

[1] https://mjcs.gov.vu/images/news/disability_desk/U PR/UPR_National_Action_Plan_20142018_.pdf

[2] https://www.gov.vu/en/publications/vanuatu-203(26-national-sustainable-development-plan-2016-to-2030

[3] Constitution of the Republic of Vanuatu of 1980. Vanuatu.

[4] Public Prosecutor v Kalosil - Sentence [2015] VI SC 149; Criminal Case 73 of 2015 (22 October 2015).

[5] https://mjcs.gov.vu/images/policy/Vanuatu_Nat nal_Child_Protection_Policy_2016-2026_FINAL_Nov16.pdf

[6] https://mjcs.gov.vu/images/policy/DID_Policy_ 018-2025.pdf